

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.154 OF 2004.

IN

FAMILY COURT APPEAL ST.NO.22509 OF 2004.

Hemant Pandharinath Rege. ... Applicant.

V/s.

Mrs. Sujata Hemant Rege. ... Respondent.

Ms. Seema Sarnaik, advocate for the applicant.

Shri R.S.Apte, i/b A.A.Garge, advocate for the respondent.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ

DATE: FEBRUARY 1, 2005.

P.C. :

1. Heard the learned counsel for both the sides.

2. In dispute between the husband and wife, the wife has claimed articles from the custody of husband and therefore, inventory of those articles was directed by Family Court on the basis of list submitted by wife. For this purpose, Court commissioner was appointed. From the commissioner's report it was revealed that some articles, which were claimed by the wife, were

found in the cupboard. However, equally some articles which were not claimed by the wife were also found in the said cupboard. It is further revealed that some articles which were claimed by the wife were not found in the said cupboard. The dispute between the parties is in respect of the articles which were not found in the said cupboard, equally in respect of the articles which were found otherwise than the list in the said cupboard. Under these circumstances, the learned counsel for the appellant makes a statement that the articles which were claimed and found in the cupboard will be returned to the wife. However, since there is dispute between the parties which is to be adjudicated in the first appeal, the learned counsel for applicant states that other articles will not be returned and stay to that extend may be granted.

2. Mr.R.S.Apte, the learned counsel for the respondent tried to persuade that all admitted articles be given to the wife. Since we have to consider as to whether stay to be granted in respect of direction No.(6) from the decree which relates to the commissioner's report, we find it appropriate to pass an order to that effect only.

Therefore, following order.

ORDER

(a) The appellant is hereby directed to return those articles mentioned in the Commissioner's report which were claimed by the wife and were actually found in the cupboard.

(b) Stay in respect of other articles. After returning the above articles, as per our direction (a) above remaining articles to be kept in seal by the Court commissioner.

(c) Civil Application is accordingly disposed of.

(d) Court commissioner to act on the authenticated copy of this order.

(D.B.BHOSALE, J)

(S.B.MHASE, J)

Login: ast/sbm

